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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,181	09/19/2003	Robert C. Hightower	9066-29	8583
20792	7590	11/03/2005		
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER WILKENS, JANET MARIE	
			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/667,181	Applicant(s) HIGHTOWER, ROBERT C.	
	Examiner Janet M. Wilkens	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-14, 16-24, 26-37 and 39 is/are rejected.
- 7) ☒ Claim(s) 4, 15, 25 and 38 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/13/2003</u> | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A</u> |

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 39, "the appendage" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-9, 12-14, 16-22, 24, 28, 30 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Dadswell. Dadswell teaches a connector (Fig. 5) comprising: a clip piece (30,31) having a base (31) capable of attaching to a panel via a fastener/aperture and a snap clip/appendage (30) with a pair of arms which include first, second and third segments (see Attachment A) and a post piece (32) configured to attach to an object via an aperture in its base panel/fastener and including a diamond shaped post received within an opening of the snap clip. The base and each first segment (upper angled portion of 30)

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define an obtuse angle and the angle between the first and second segments is at least 90 degrees or greater. Note: the front panel and object are not being positively claimed.

Claims 20-22, 24 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Lechman. Lechman teaches a cabinet (Figs. 1 and 2) having a frame (10) with a front face opening defined by walls (30, 12, 32) and covered by a false front panel (38). The panel is attached to the walls via connectors (60) that include a post piece (76, 78) with a non-circular post (78) and a clip piece (66, 72) with a base (66) and a "snap" clip (72) that receives the post.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 10, 11, 26, 27, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dadswell. As stated above, Dadswell teaches the limitations of claims 1 and 20, including a connector with a clip piece and post piece. For claim 3, Dadswell fails to teach plural clip and post pieces. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis paper Co. v. Bemis Co.* 193 USPQ

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8. Furthermore, it is known that the more connectors used between structures, the better and more secure the hold/attachment.

For claims 10, 11, 26, and 27, Dadswell fails to teach that the clip and post pieces are specifically made of a polymeric material. The examiner takes Official notice that polymeric material for use in clip and post pieces is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to use this type of material for the clip and post pieces of Dadswell, depending on the desired need of the person constructing the connector, e.g. depending on the materials readily available, personnel preferences, economic reasons, etc.

For claims 29 and 31, Dadswell fails to teach that the apertures in the clip and post pieces are specifically slots. The examiner takes Official notice that slot/fastener attachments are well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to use this type of attachment on the clip and post pieces of Dadswell, so that the fasteners can adjustably attach the bases of the clip and post pieces to another object/feature.

Claims 23 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lechman in view of Pipkens. As stated above, Lechman teaches the limitations of claims 20 and 32, including a connector with a clip piece and post piece. For claim 35, Lechman fails to teach plural clip and post pieces on the respective bases. Pipkens teaches the use of plural clips on a connector base (see Fig. 4). Furthermore, it has been held that mere duplication

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of the essential working parts of a device involves only routine skill in the art. *St. Regis paper Co. v. Bemis Co.* 193 USPQ 8. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the connectors of Lechman by adding plural clips on each base and plural mating posts on the respective bases, such as is taught by Pipkens and known in the art, to provide a better and more secure hold/attachment between the frame and panel.

Claims 26-31 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lechman. As stated above, Lechman teaches the limitations of claims 20 and 32, including a connector with a clip piece and post piece. For claims 26 and 27, Lechman fails to teach that the clip and post pieces are specifically made of a polymeric material. The examiner takes Official notice that polymeric material for use in clip and post pieces is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to use this type of material for the clip and post pieces of Lechman, depending on the desired need of the person constructing the connector, e.g. depending on the materials readily available, personnel preferences, economic reasons, etc.

For claims 29 and 31, although Lechman does teach apertures and fasteners in the bases of the clip and post pieces, it fails to teach that the apertures in the clip and post pieces are specifically slots. The examiner takes Official notice that slot/fastener attachments are well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of

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the invention to use this type of attachment on the clip and post pieces of Lechman, so that the fasteners can adjustably attach the bases of the clip and post pieces to another object/feature.

For claims 28, 30 and 37, Lechman fails to teach that the posts are specifically diamond or kite shaped. The examiner takes Official notice that diamond/kite-shaped posts are well known in the connector art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the connector of Lechman by using this alternate type of post thereon (modifying the bends of the clip pieces to correspond), since it appears that these posts would be functionally equivalent and that either type of post/clip piece would hold the panel onto the frame equally well. The diamond/kite shaped post providing an additional angle in the connection for a more secure hold between the pieces.

Allowable Subject Matter

Claims 4, 15, 25 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
October 28, 2005


JANET M. WILKENS
PRIMARY EXAMINER
Art 3637

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